

Note: This attachment includes the proposed text for Section 4-1350, which is proposed to be added in its entirety. The underlined and strike-through text shows proposed revisions to the draft that was presented at the Planning Commission Public Hearing on September 17, 2007.

ARTICLE IV

SPECIAL & OVERLAY DISTRICTS

Division A: Planned District Regulations

Section 4-1350 PD-MUB Planned Development-Mixed Use Business District

4-1351 Purpose and Intent. A Planned Development Mixed Use Business District is established to provide for mixed use business developments. The district encourages a compact pedestrian-oriented mix of uses. The primary uses are regional office and light industrial uses that are supported by retail, service, civic and high density residential uses located in close proximity in order to create an attractive environment in which to live, work and play. The mix of uses is designed to create a sense of place, organized around a central plaza or civic use that serves to unify the overall development.

Existing environmental features are to be preserved and integrated into the plan of development. The major land uses are to be linked by way of pedestrian linkages, trails and greenways that tie together the businesses, residences and open space into accessible patterns of development. The pedestrian-oriented nature of the district should be emphasized by the building scale and design, block sizes, pedestrian-oriented uses and pedestrian-friendly streetscapes.

4-1352 Size and Location. A PD-MUB District shall contain no fewer than 25 acres and shall be located along a major arterial or major collector roadway. The district shall be located in areas served by public water and sewer systems.

Contiguous additions of a minimum of five (5) acres shall be allowed to an existing PD-MUB District if the applicant demonstrates that the addition is integrated with the district that was previously approved.

4-1353 Permitted Uses. The following uses shall be permitted in any PD-MUB District subject to the requirements and limitations of these regulations.

(A) Employment Uses.

1. Offices, administrative, business or professional.
2. Research and development.

(B) Commercial Uses.

1. Banks or other financial institutions, without drive-throughs.
2. Health and fitness center.
3. Offices, medical and dental.

4. Child care center, pursuant to Section 5-609(B).
5. Adult day care center.
6. Business service establishment.
7. Hotel/motel, pursuant to Section 5-611.
8. Conference or training center.
9. Personal service establishments.
10. Retail sales establishments, excluding drive-throughs.
11. Restaurants, including carry-out but excluding drive-throughs.
12. Restaurant, dinner theater.
13. Convenience food stores, pursuant to Section 5-617.
14. Banquet facility/Event facility.
15. Art gallery.
16. Theater, indoor.

(C) Residential Uses.

1. Dwellings, multifamily.

(D) Public, Civic, Institutional Uses

1. Educational institution.
2. Public use, excluding schools.
3. Park, Neighborhood.
4. Church, synagogue, temple or mosque.
5. Community center.
6. Outdoor amphitheater.
7. Cultural center.

8. Tourism welcome center.

(E) Utility Uses.

1. Telecommunications uses and/or structures, pursuant to Section 5-618.
2. Water pumping station, pursuant to Section 5-621.
3. Sewer pumping station, pursuant to Section 5-621.

4-1354 Special Exception Uses. The following uses may be approved by the Board of Supervisors and may be subject to conditions pursuant to Section 6-1300.

(A) Employment Uses.

1. Flex-industrial uses, pursuant to Section 5-608.
2. Manufacturing, processing, fabrication and or assembly of products.
3. Wholesale Trade Establishment.

(B) Commercial Uses.

1. Medical facilities, outpatient only.
2. ~~Banks or other financial institutions~~, Commercial uses with drive-throughs, pursuant to Section 5-659.

(C) Residential Uses.

1. Dwellings, single family attached.

(D) Public, Civic, Institutional Uses.

1. Heliport, helistop.
2. Radio, radar or television tower.
3. Hospitals, pursuant to Section 5-610.

(E) Utility Uses.

1. Telecommunications uses and/or structures, pursuant to Section 5-618.

4-1355 Development Standards.

(A) Minimum Use Percentages. A MUB District shall have the following minimum percentages of use. These minimum percentages shall not be modified. (See Section 1-209 to determine how the use percentages are calculated.)

- (1) **Employment Uses.** At least ~~40%~~ 50% of the ~~land-area~~ total floor area of the district shall be devoted to uses listed in the Employment use category.
- (2) **Commercial Use.** At least 5% of the ~~land-area~~ total floor area of the district shall be devoted to uses listed in the Commercial use category.
- (3) **Residential Use.** At least 10% of the ~~land-area~~ total floor area of the district shall be devoted to uses in the Residential use category.
- (4) **Public/Civic/Institutional Uses.** At least 5% of the ~~land-area~~ total floor area of the district shall be devoted to uses listed in the Public/ Civic/Institutional use category.

(5) **Public Parks and Open Space.** At least 10% of the land area of the district shall be devoted to public parks and/or open space.

(B) **Central Plaza.** A plaza that is centrally located within the district shall be provided and shall be a minimum of 10,000 square feet in area. At least one side of the plaza shall adjoin a road. The plaza shall include public amenities, such as ponds, fountains, public art, plant beds, benches, drinking fountains, clock pedestals, and the like. Buildings that adjoin the plaza shall be a minimum of 2 stories.

(C) **Vertical Mix.** At least 50% of the buildings within the district shall contain at least one use from at least two (2) different use categories.

(D) **On-Street Parking.** On-street parking can be counted towards meeting the required parking in Section 5-1100, provided such parking is located within 400 feet of the subject principal use.

(E) **Principal Building Entrance.** The principal entrance of buildings shall be oriented towards the street or adjacent plazas, greens, parks, squares or pedestrian passageways.

(F) **Sidewalks.** Continuous sidewalks shall be provided along both sides of all streets within the district.

(G) Streets. Streets shall be arranged in a generally rectilinear pattern of interconnecting streets and blocks, while maintaining respect for the natural landscape.

(G)(H) Concept Development Plan. In addition to addressing the standards in Section ~~6-1200~~ 6-1211(E) and ~~6-1511(E)~~ 6-1500, a rezoning application to PD-MUB shall address the following criteria:

(1) The Concept Development Plan (CDP) shall exhibit a compact pattern of development that efficiently facilitates interconnection between the employment uses, commercial uses, residential uses, and public/civic/institutional uses, which serves to unify the entire project.

(2) The primary employment land uses shall be concentrated at the major intersections depicted on the CDP.

(3) A phasing plan shall be included that depicts the proposed mix of uses to be provided throughout each phase of the development.

4-1356 Lot and Building Requirements.

(A) **Size.** No minimum lot size is required.

(B) **Yards.**

(1) **Front.** See Section 5-900 for arterial and collector roads; and 0 feet minimum and 10 feet maximum from other roads. The maximum front yard can be expanded to 25 feet where a courtyard, plaza, terrace, or other common gathering space, that is a minimum of 300 square feet, is provided adjacent to the front property line.

(2) **Side.** Zero (0) feet minimum.

(3) **Rear.** Five (5) feet minimum.

(C) **Building Height.** Building heights shall be no more than ~~sixty (60) feet~~ seventy (70) feet and five stories.

4-1357 Floor Area Ratio (FAR) and Residential Density.

(A) **Floor Area Ratio (FAR).** The maximum amount of floor area permitted shall be no more than 0.5 times the land area (in square feet) for the district, excluding the area of the Floodplain Overlay District (FOD) except as provided for in Section 4-1359(D) below.

(B) **Residential Density.** 16 dwelling units per acre maximum, excluding the area of the Floodplain Overlay District (FOD) except as provided for in Section 4-1359(D) below.

4-1358 Use Limitations.

(A) **Utility Requirements.** All utility lines shall be placed underground.

(B) **Buffering and Screening.**

(1) No loading areas or refuse collection areas shall be located closer than 100 feet from an agricultural district or a residential district. No parking areas shall be located closer than 50 feet to an agricultural district or a residential district.

(2) Loading areas and refuse collection areas shall be landscaped, screened and buffered from view as seen from adjoining streets and residential areas. Parking lots shall be landscaped in accordance with Section 5-1413.

(3) For individual lots within the PD-MUB district that are developed in accordance with a proffered Concept Development Plan, the buffering and screening requirements of Section 5-1400 shall not be applicable between uses on adjacent lots developed within the PD-MUB district and differently zoned properties.

(C) **Street Trees.** Trees shall be planted at a density of one tree per twenty five (25) linear feet along all areas dedicated for use for vehicular access. Such trees shall have a minimum caliper of two (2) inches and a height at maturity of fifteen (15) feet or more.

4-1359 Incentive Program.

(A) **Purpose.** There is an incentive program established for the PD-MUB zoning district that provides an opportunity for an applicant's project to be granted increased FAR. Approval of an incentive program by the Board of Supervisors may be made when the Concept Development Plan meets certain criteria.

(B) **Application.** An applicant for a zoning map amendment to a PD-MUB district desiring to receive incentive bonuses must request participation in the incentive program at the time of submission of such zoning map amendment application and shall provide written justification that the project meets the criteria set forth in Section 6-1500 in addition to demonstrating that the Concept Development Plan meets the criteria set forth in this section. The application for the incentive program shall be considered as part of the request for the zoning map amendment to the PD-MUB district.

(C) **FAR Incentives.**

(1) The Board of Supervisors may grant an increase of 0.1 FAR above the maximum permitted floor area ratio if the district size is a minimum of 100 acres.

(2) The Board of Supervisors may grant an increase of 0.1 FAR above the maximum permitted floor area ratio if structured parking is provided to satisfy at least 50% of the required parking for the district and is designed in a manner that is integrated with nearby building architecture to minimize visual impact.

(3) The Board of Supervisors may grant an increase of 0.1 FAR above the maximum permitted floor area ratio if at least 5% of the dwelling units provided are affordable to persons earning up to ~~120%~~ 100% of the Washington Area median income (AMI), are located in vertically mixed buildings, and such affordability is maintained for a minimum period of 15 years.

(4) The Board of Supervisors may grant an increase of 0.1 FAR above the maximum permitted floor area ratio if at least one of the following uses is provided. In addition, the floor area of such use will be excluded from the FAR calculations:

- (i) Hotel, ~~full-service~~ to include at least two of the following in house services: a sit-down restaurant, ~~room service, concierge services and~~ meeting rooms, exercise room, ballroom, or other such amenities as approved by the Board of Supervisors.
- (ii) Tourism welcome center.
- (iii) Adult or child care facility.
- (iv) Theater, indoor, limited to live performances ~~of plays, acts, dramas by actors.~~
- (v.) Cultural center.

(5) The Board of Supervisors may grant an increase of 0.1 FAR above the maximum permitted floor area ratio if at least one of the following amenities is provided:

- (i.) A local shuttle system or other public transportation improvement.
- (ii.) A dedicated bicycle network consisting of trails, routes and/or lanes provided throughout the district and connected to existing or proposed networks adjoining the district.
- (iii.) A water feature such as a lake, wet pond, or fountain, provided the feature is easily accessed by pedestrians and includes or integrates seating areas for pedestrians.
- (iv.) A detailed design for the areas surrounding the central plaza. Such design shall include: commercial uses on the first floor and a mix of uses on the floors above for all buildings surrounding the plaza; sidewalks that are a minimum of 5 feet in width; and a planting and furniture area that is a minimum of 4 feet in width located adjacent to the sidewalk and between the curb and sidewalk when adjacent to a street. The planting and furniture area shall provide pedestrian amenities such as benches, transit shelters, kiosks, lamp posts, public art and the like.

(6) The FAR increases above can be granted singly or cumulatively.

(D) Additional Incentives.

- (1) Areas within the FOD can be included when calculating the permissible FAR and residential density if a 25 foot natural buffer is maintained from the edge of the FOD.

- (2) If the concept development plan ~~provides a grid system of streets,~~ locates the residential uses within 1,200 feet of the principal business uses, and demonstrates that 75% of the structures are multi-story mixed use structures, then the local streets ~~in the grid~~ may be private streets.

4-1360 Access from Major Roads. No individual lots created after adoption of this Ordinance shall have direct access to an arterial or major collector road, except for individual lots that have at least 3 principal uses, which can have direct access onto a major collector road.

4-1361 Signs.

- (A) The requirements of Section 5-1204(D) shall be followed for PD-MUB development.
- (B) As applicable, signs for light industrial uses within the PD-MUB District shall follow the requirements for flex industrial signs as enumerated in the Sign Requirements Matrix, Section 5-1204(D).
- (C) Signs for residential uses within the PD-MUB District shall follow the requirements of the PD-H signs as enumerated in the Sign Requirements Matrix, Section 5-1204(D).

4-1362 Ownership, Operation and Management of Common Open Space and Common Facilities.

- (A) All common open space shall be preserved for its intended purpose as expressed in the Concept Development Plan. The developer shall choose, prior to approval of the first record plat or final site plan, whichever is first in time, one (1) or a combination of the following methods of administering common open space:
- (1) Public dedication to the County of the common open space, subject to acceptance by the Board of Supervisors.
- (2) Establishment of a non-profit association, corporation, trust, or foundation of all owners of residential property within the planned development. Such organizations shall conform to the following requirements:
- (a) The organization must be established prior to approval of the first record plat or final site plan in the proposed development. The documents establishing such organizations shall be reviewed and approved by the County.

1 (b) Membership in the organization shall be mandatory for all
2 residential property owners, present or future, within the planned
3 community and said organization shall not discriminate against
4 members or shareholders.

5 (c) The organization shall manage maintain, administer and operate all
6 open space and improvements and other land not publicly or
7 privately owned and shall secure adequate liability insurance on
8 the land and such improvements.

9 (d) Sales brochures or other literature and documents provided by the
10 seller of all lots within a PD-MUB district shall include
11 information regarding membership requirements and
12 responsibilities of such organizations.

13 (3) Retention of ownership, control and maintenance of common open
14 space and improvements by the developer.

15 (B) All common open space not dedicated to the County shall be subject to
16 restrictive covenants running with the land restricting its use to that specified
17 in the approved Concept Development Plan. Such restrictions shall be for the
18 benefit of and enforceable by, all present or future residential property owners
19 and the Board of Supervisors of Loudoun County.

20 (C) All common open space, as well as public recreational facilities, shall be
21 specifically included in the development schedule and be constructed and
22 fully improved by the developer at an equivalent or greater rate than the
23 construction of residential structures.